

# **Exhibit B**

**From:** Todd Noonan <todd@noonanlawgroup.com>  
**Sent:** Wednesday, April 5, 2023 9:37 PM  
**To:** Sklar, Andrew (US); Utterback, Meg (US)  
**Subject:** RE: ED Cal Case No. 2:22-CV-01991-MCE-JDP (Sinsin Europe Solar Asset Ltd. Partnership et al v. SPI Energy Co. Ltd.)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Andrew:

I was able to speak with the client this evening. SPI will not be in a position to stipulate to the filing of the amended petition, in particular because of the inclusion of the allegations in Paragraph 23, which have no place in this lawsuit, as well as the request for the injunction, which is not well-grounded in either the law or evidence. For these reasons, SPI will oppose inclusion of those aspects of the proposed amendments.

In terms of the overall briefing schedule across all anticipated filings, I would ask that SinSin hold on filing its papers until at least after the Easter holiday (that is, until at least April 10). We would propose the opposition papers be due on May 8. That would provide us four weeks, rather than the previously agreed-upon three weeks, in view of the expanded scope. From there, I am open on the timing of SinSin's reply. Previously we had agreed SinSin would have 17 days for the Reply. We could maintain that same timeframe, or add the same additional week SPI has requested (e.g., 24 days for the Reply, rather than 17). Either would be agreeable, with the court hearing then set at the judge's next available hearing date thereafter, ensuring that the Court's normal time between reply and hearing was maintained.

Please let me know your client's position when reasonably practical for you to do so, and we can revise the stipulation accordingly.

If you would like to discuss by phone, let me know. I have a narrow window tomorrow afternoon (Thursday, April 6), between 2:30-3:30 PDT, but then will be traveling both Friday and Monday (back late Monday afternoon).

Thank you,

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**From:** Todd Noonan  
**Sent:** Tuesday, April 4, 2023 2:54 PM  
**To:** Sklar, Andrew (US) <andrew.sklar@us.kwm.com>; Utterback, Meg (US) <meg.utterback@us.kwm.com>  
**Subject:** RE: ED Cal Case No. 2:22-CV-01991-MCE-JDP (Sinsin Europe Solar Asset Ltd. Partnership et al v. SPI Energy Co. Ltd.)

Thank you for reaching out. I anticipated speaking with the client yesterday. However, scheduling challenges led to a delay of the call to early tomorrow evening. I appreciate your patience.

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**From:** Sklar, Andrew (US) <[andrew.sklar@us.kwm.com](mailto:andrew.sklar@us.kwm.com)>  
**Sent:** Tuesday, April 4, 2023 2:44 PM  
**To:** Todd Noonan <[todd@noonanlawgroup.com](mailto:todd@noonanlawgroup.com)>; Utterback, Meg (US) <[meg.utterback@us.kwm.com](mailto:meg.utterback@us.kwm.com)>  
**Subject:** RE: ED Cal Case No. 2:22-CV-01991-MCE-JDP (Sinsin Europe Solar Asset Ltd. Partnership et al v. SPI Energy Co. Ltd.)

Todd,

I am following up on my below email. Please let us know if you have discussed the amended petition with your client and if they have come to a decision regarding the proposed stipulation and briefing schedule.

Thanks.

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**From:** Sklar, Andrew (US)  
**Sent:** Friday, March 31, 2023 11:42 AM  
**To:** Todd Noonan <[todd@noonanlawgroup.com](mailto:todd@noonanlawgroup.com)>; Utterback, Meg (US) <[meg.utterback@us.kwm.com](mailto:meg.utterback@us.kwm.com)>  
**Subject:** RE: ED Cal Case No. 2:22-CV-01991-MCE-JDP (Sinsin Europe Solar Asset Ltd. Partnership et al v. SPI Energy Co. Ltd.)

Todd,

We fully understand. Thank you for making this a priority. Our client has requested that we file the Amended Petition next week so please keep us updated.

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**From:** Todd Noonan <[todd@noonanlawgroup.com](mailto:todd@noonanlawgroup.com)>  
**Sent:** Thursday, March 30, 2023 4:54 PM  
**To:** Sklar, Andrew (US) <[andrew.sklar@us.kwm.com](mailto:andrew.sklar@us.kwm.com)>; Utterback, Meg (US) <[meg.utterback@us.kwm.com](mailto:meg.utterback@us.kwm.com)>  
**Subject:** RE: ED Cal Case No. 2:22-CV-01991-MCE-JDP (Sinsin Europe Solar Asset Ltd. Partnership et al v. SPI Energy Co. Ltd.)

Thank you, Andrew. I appreciate the redline.

I am setting up a call with the client to discuss the amended petition and the related stipulation. The amendments, as you know, are material. There are several people involved across multiple time zones, and the meeting may not happen until, at latest, this coming Monday. I ask that you hold off on the filing until we can respond on the proposed stipulation and briefing schedule, which, as noted, should be early next week. We have made the issue a priority.

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**From:** Sklar, Andrew (US) <[andrew.sklar@us.kwm.com](mailto:andrew.sklar@us.kwm.com)>  
**Sent:** Thursday, March 30, 2023 1:40 PM  
**To:** Utterback, Meg (US) <[meg.utterback@us.kwm.com](mailto:meg.utterback@us.kwm.com)>; Todd Noonan <[todd@noonanlawgroup.com](mailto:todd@noonanlawgroup.com)>  
**Subject:** RE: ED Cal Case No. 2:22-CV-01991-MCE-JDP (Sinsin Europe Solar Asset Ltd. Partnership et al v. SPI Energy Co. Ltd.)

Todd,

Please see attached an updated draft of the Amended Petition and Motion. Upon further discussion we decided to consolidate the declarations and change the conclusion to a prayer for relief. We have attached a redline for your convenience.

Thanks.

Andrew

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**From:** Sklar, Andrew (US)  
**Sent:** Thursday, March 30, 2023 9:26 AM  
**To:** Utterback, Meg (US) <[meg.utterback@us.kwm.com](mailto:meg.utterback@us.kwm.com)>; Todd Noonan <[todd@noonanlawgroup.com](mailto:todd@noonanlawgroup.com)>  
**Subject:** RE: ED Cal Case No. 2:22-CV-01991-MCE-JDP (Sinsin Europe Solar Asset Ltd. Partnership et al v. SPI Energy Co. Ltd.)

Todd,

Please see attached the current draft of the Amended Petition and Motion. The referenced declarations are still being finalized and we expect those to be done soon.

Thanks.

Andrew

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**From:** Utterback, Meg (US) <[meg.utterback@us.kwm.com](mailto:meg.utterback@us.kwm.com)>  
**Sent:** Wednesday, March 29, 2023 6:12 PM  
**To:** Todd Noonan <[todd@noonanlawgroup.com](mailto:todd@noonanlawgroup.com)>; Sklar, Andrew (US) <[andrew.sklar@us.kwm.com](mailto:andrew.sklar@us.kwm.com)>  
**Subject:** RE: ED Cal Case No. 2:22-CV-01991-MCE-JDP (Sinsin Europe Solar Asset Ltd. Partnership et al v. SPI Energy Co. Ltd.)

We completely understand and that makes sense. I expect we will be in a position to send it to you tomorrow or Friday.

**Meg Utterback | Partner**  
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**PROFILE**

*\*not admitted in NY*

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**From:** Todd Noonan <[todd@noonanlawgroup.com](mailto:todd@noonanlawgroup.com)>  
**Sent:** Wednesday, March 29, 2023 4:22 PM  
**To:** Sklar, Andrew (US) <[andrew.sklar@us.kwm.com](mailto:andrew.sklar@us.kwm.com)>; Utterback, Meg (US) <[meg.utterback@us.kwm.com](mailto:meg.utterback@us.kwm.com)>  
**Subject:** RE: ED Cal Case No. 2:22-CV-01991-MCE-JDP (Sinsin Europe Solar Asset Ltd. Partnership et al v. SPI Energy Co. Ltd.)

Understood. As you might anticipate, I believe the Court will expect the proposed amendment to have been shared in connection with seeking SPI's stipulation both to its filing and the associated briefing schedule.

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**From:** Sklar, Andrew (US) <[andrew.sklar@us.kwm.com](mailto:andrew.sklar@us.kwm.com)>  
**Sent:** Wednesday, March 29, 2023 1:17 PM  
**To:** Todd Noonan <[todd@noonanlawgroup.com](mailto:todd@noonanlawgroup.com)>; Utterback, Meg (US) <[meg.utterback@us.kwm.com](mailto:meg.utterback@us.kwm.com)>  
**Subject:** RE: ED Cal Case No. 2:22-CV-01991-MCE-JDP (Sinsin Europe Solar Asset Ltd. Partnership et al v. SPI Energy Co. Ltd.)

Todd,

We will need discuss with the client first and will revert back soon.

Thank you.

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**From:** Todd Noonan <[todd@noonanlawgroup.com](mailto:todd@noonanlawgroup.com)>  
**Sent:** Wednesday, March 29, 2023 4:02 PM  
**To:** Sklar, Andrew (US) <[andrew.sklar@us.kwm.com](mailto:andrew.sklar@us.kwm.com)>; Utterback, Meg (US) <[meg.utterback@us.kwm.com](mailto:meg.utterback@us.kwm.com)>  
**Subject:** RE: ED Cal Case No. 2:22-CV-01991-MCE-JDP (Sinsin Europe Solar Asset Ltd. Partnership et al v. SPI Energy Co. Ltd.)

Can you to send me a copy of the proposed amendment? SPI will certainly consider stipulating, but I need to review the proposed amendments in connection with that assessment, particularly in view of the anticipated request for injunctive relief.

Thank you,

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**From:** Sklar, Andrew (US) <[andrew.sklar@us.kwm.com](mailto:andrew.sklar@us.kwm.com)>

**Sent:** Wednesday, March 29, 2023 12:52 PM

**To:** Todd Noonan <[todd@noonanlawgroup.com](mailto:todd@noonanlawgroup.com)>; Utterback, Meg (US) <[meg.utterback@us.kwm.com](mailto:meg.utterback@us.kwm.com)>

**Subject:** RE: ED Cal Case No. 2:22-CV-01991-MCE-JDP (Sinsin Europe Solar Asset Ltd. Partnership et al v. SPI Energy Co. Ltd.)

Todd,

My apologies for not raising this earlier. After review of the Petition we realized that we did not include the cost details and planned to amend to provide clarity for the Court. Our client has further asked us to seek costs and injunctive relief. We do not think that the Court will take issue here at this early stage of the proceedings before any motions have been filed or discovery has begun. Let us know if you will stipulate to the Amended Petition with the extended briefing schedule or if you would rather we seek leave to amend pursuant to the local rules.

Happy to jump on a call to discuss.

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**From:** Todd Noonan <[todd@noonanlawgroup.com](mailto:todd@noonanlawgroup.com)>

**Sent:** Wednesday, March 29, 2023 2:34 PM

**To:** Sklar, Andrew (US) <[andrew.sklar@us.kwm.com](mailto:andrew.sklar@us.kwm.com)>; Utterback, Meg (US) <[meg.utterback@us.kwm.com](mailto:meg.utterback@us.kwm.com)>

**Subject:** RE: ED Cal Case No. 2:22-CV-01991-MCE-JDP (Sinsin Europe Solar Asset Ltd. Partnership et al v. SPI Energy Co. Ltd.)

Andrew:

Can you clarify the reference to an Amended Petition? Our discussion of the briefing schedule was with reference to the original Petition. We have not seen any proposed amended petition, nor been previously asked to stipulate to its filing. Happy also to consider authority on SinSin's right to amend the Petition without leave (or stipulation).

Thank you,

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**From:** Sklar, Andrew (US) <[andrew.sklar@us.kwm.com](mailto:andrew.sklar@us.kwm.com)>

**Sent:** Wednesday, March 29, 2023 10:36 AM

**To:** Todd Noonan <[todd@noonanlawgroup.com](mailto:todd@noonanlawgroup.com)>; Utterback, Meg (US) <[meg.utterback@us.kwm.com](mailto:meg.utterback@us.kwm.com)>

**Subject:** RE: ED Cal Case No. 2:22-CV-01991-MCE-JDP (Sinsin Europe Solar Asset Ltd. Partnership et al v. SPI Energy Co. Ltd.)

Todd,

Please see the attached redline of the Stipulation and [Proposed] Order re Briefing Schedule. We have changed the filing date from March 31 to April 3. We have also renamed the motion as we plan to file an Amended Petition and Motion to Confirm Arbitral Awards. You have our permission to file if you have no comments or questions.

Thanks.

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**From:** Sklar, Andrew (US)

**Sent:** Thursday, March 23, 2023 7:39 PM

**To:** Todd Noonan <[todd@noonanlawgroup.com](mailto:todd@noonanlawgroup.com)>; Utterback, Meg (US) <[meg.utterback@us.kwm.com](mailto:meg.utterback@us.kwm.com)>

**Subject:** RE: ED Cal Case No. 2:22-CV-01991-MCE-JDP (Sinsin Europe Solar Asset Ltd. Partnership et al v. SPI Energy Co. Ltd.)

Todd,

Thank you for the draft. We are in discussions with the client and expect to get you our comments tomorrow or early next week.

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**From:** Todd Noonan <[todd@noonanlawgroup.com](mailto:todd@noonanlawgroup.com)>

**Sent:** Thursday, March 23, 2023 7:08 PM

**To:** Utterback, Meg (US) <[meg.utterback@us.kwm.com](mailto:meg.utterback@us.kwm.com)>; Sklar, Andrew (US) <[andrew.sklar@us.kwm.com](mailto:andrew.sklar@us.kwm.com)>

**Subject:** FW: ED Cal Case No. 2:22-CV-01991-MCE-JDP (Sinsin Europe Solar Asset Ltd. Partnership et al v. SPI Energy Co. Ltd.)

Meg and Andrew:



Draft stipulation attached for your review and comment. While you previously mentioned SinSin would file on next Friday, March 31, I left the dates TBD by you in the first instance in the event you determined that date might slip.

Available hearing dates for Judge England can be found

here: <https://www.caed.uscourts.gov/caednew/assets/File/MCE%20Web%20Page%20Rev%201-3-2023.pdf>

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**From:** Stephanie Deutsch <[SDeutsch@caed.uscourts.gov](mailto:SDeutsch@caed.uscourts.gov)>  
**Sent:** Thursday, March 23, 2023 1:24 PM  
**To:** Todd Noonan <[todd@noonanlawgroup.com](mailto:todd@noonanlawgroup.com)>  
**Cc:** Utterback, Meg (US) <[meg.utterback@us.kwm.com](mailto:meg.utterback@us.kwm.com)>; Sklar, Andrew (US) <[andrew.sklar@us.kwm.com](mailto:andrew.sklar@us.kwm.com)>  
**Subject:** RE: ED Cal Case No. 2:22-CV-01991-MCE-JDP (Sinsin Europe Solar Asset Ltd. Partnership et al v. SPI Energy Co. Ltd.)

Good afternoon and thank you for the case status update. Please file a stipulation and proposed order (in one document) for His Honor's consideration. After filing, please send the Microsoft Word version of the document to: [mceorders@caed.uscourts.gov](mailto:mceorders@caed.uscourts.gov). Please let me know if I can help further.

Stephanie

Stephanie Deutsch,  
Courtroom Deputy & Judicial Assistant to Senior Judge Morrison C. England, Jr.  
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**From:** Todd Noonan <[todd@noonanlawgroup.com](mailto:todd@noonanlawgroup.com)>  
**Sent:** Thursday, March 23, 2023 11:21 AM  
**To:** Stephanie Deutsch <[SDeutsch@caed.uscourts.gov](mailto:SDeutsch@caed.uscourts.gov)>  
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**Subject:** ED Cal Case No. 2:22-CV-01991-MCE-JDP (Sinsin Europe Solar Asset Ltd. Partnership et al v. SPI Energy Co. Ltd.)

**CAUTION - EXTERNAL:**

Ms. Deutsch:

I am counsel for respondent SPI Energy in the above-referenced matter, and write on behalf of both parties (counsel for petitioner SinSin has been copied).

SinSin initiated this matter with its Petition to Confirm Arbitral Awards. Its counsel reached out to me to coordinate a briefing and hearing schedule in connection SinSin's anticipated motion to confirm. The parties have agreed to a slight extension of the default briefing schedule under the Local Rules, by which SPI Energy would have 21 days to oppose the motion (rather than 14), and SinSin would have 17 days thereafter to file its Reply (rather than 10). In noticing the

motion, SinSin would select a hearing date that maintained the normal gap between the Reply and Hearing date, such that the extension of the opposition and reply briefs would not impact the Court.

Will the Court require a formal stipulation in connection with the parties' request for this modification of the briefing schedule, or is there another way by which we can approach? I expect SinSin to move forward with their motion over the next week or two.

Thank you.

cc: Meg Utterback, Andrew Sklar (counsel for SinSin)

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